

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6033

BILL NUMBER: SB 32

NOTE PREPARED: Jan 22, 2004

BILL AMENDED: Jan 20, 2004

SUBJECT: Wrongful Acts.

FIRST AUTHOR: Sen. Weatherwax

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: For purposes of an action by a parent or guardian for the injury or death of a child, this bill amends definition of "child" to include an unmarried individual without dependents who is: (1) less than twenty-three (23) years of age and engaged in military service or (2) is a military veteran less than twenty-seven (27) years of age and enrolled in an institution of higher education or vocational school. It also makes conforming amendments.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Current statute allows a parent or guardian to take action against a person whose wrongful act or omission caused the injury or death of a child. Current statute defines a child as an individual who is (1) less than twenty years of age; or (2) less than twenty-three years of age and enrolled in an institution of higher education or in a vocational school or program. This bill would add additional individuals to this list. They are as follows: (1) military veterans less than twenty-seven years of age that are enrolled in an institution of higher education or a vocational school following active military service; and (2) persons less than twenty-three years of age and enrolled in an institution of higher education or in a vocational school or program that are engaged in military service.

This bill could potentially increase the number of lawsuits against the state. Furthermore, the bill could increase the number of damage awards that the state would have to pay. Damage awards cannot exceed \$300,000 for the injury to, or death of, one person in any one occurrence and \$5 million for the injury to, or death of, all persons in that occurrence. The Office of the Attorney General reports the amount of damages paid as a result of tort claims submitted and tort claim lawsuits filed against the state for FY 2003 as approximately \$5.9 M.

Any increases in expenditures are dependent on the number of additional lawsuits filed against the state and the settlement amount for each suit.

Explanation of State Revenues:

Explanation of Local Expenditures: *See Explanation of State Expenditures.*

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Counties, cities and towns.

Information Sources: Office of the Attorney General.

Fiscal Analyst: Sarah Brooks, 317-232-9559.